

ORDINANCE _____

AN ORDINANCE relating to land use and zoning, amending Chapter 23.53.015, Improvement requirements for existing streets in residential and commercial zones.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.53.015 of the Seattle Municipal Code, which Section was last amended by Ordinance 119239, is amended as follows:

23.53.015 Improvement requirements for existing streets in residential and commercial zones.

A. General Requirements.

1. In residential or commercial zones, when new lots are proposed to be created, or any type of development is proposed, existing streets abutting the lot(s) shall be required to be improved in accordance with this section, except as provided in subsection D, Exceptions, of this section, and rules promulgated jointly by the Directors of DCLU and Transportation. Required improvements may include ((Θ)) one (1) or more of the following ~~((types of improvements may be required))~~:

- a. Pavement;
- b. Curb and sidewalk installation;
- c. Drainage;
- d. Grading to future right-of-way grade;
- e. Design of structures to accommodate future right-of-way grade;
- f. No-protest agreements;

g. Planting of street trees and other landscaping.

h. ~~((A-s))~~ Setbacks from the property line, or dedication of right-of-way, may be required to accommodate ~~((the))~~ required improvements.

~~((2.))~~ Subsection D of this section contains exceptions from the standard requirements for street improvements, including exceptions for streets which already have curbs, projects which are smaller than a certain size, and for special circumstances, such as location in an environmentally critical area.))

~~((3.))~~ 2. Off-site improvements, such as provision of drainage systems or fire access roads, will be required pursuant to the authority of this Code or other ordinances to mitigate the impacts of development.

~~((4.))~~ 3. Detailed requirements for street improvements are located in the current Street Improvement Manual, as adopted by joint rule of the Director and the Director of Transportation. The rule may contain design guidelines or standards for specific streets pursuant to plans, such as Street Master Plans, adopted into the rule.

~~((5.))~~ 4. The regulations in this section are not intended to preclude the use of Chapter 25.05 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse environmental impacts.

~~((6.))~~ 5. Minimum Right-of-Way Widths.

a. Arterials. The minimum right-of-way widths for arterials designated on Exhibit 23.53.015 A shall be as specified in the Street Improvement Manual.(See Exhibit 23.53.015 A .)

b. Nonarterials.

(1) The minimum right-of-way width for an existing street which is not an arterial designated on Exhibit 23.53.015 A shall be as shown on Chart A for

Section 23.53.015.

(2) When a block is split into more than one (1) zone, the zone category with the most frontage shall determine the minimum width on the chart. If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum right-of-way width.

B. Improvements to Arterials. Except as provided in subsection D or this section, arterials shall be improved according to the following requirements:

1. When a street is designated as an arterial on Exhibit 23.53.015 A , a paved roadway with a concrete curb and sidewalk, drainage facilities, and any landscaping required by the zone in which the lot is located shall be provided in the portion of the street right-of-way abutting the lot, as specified in the Street Improvement Manual.

2. If necessary to accommodate the right-of-way and roadway widths specified in the Street Improvement Manual, dedication of right-of-way shall be required.

C. Improvements to Nonarterial Streets. Except as provided in subsection D of this section, nonarterial streets shall be improved according to the following requirements:

1. Nonarterial Streets With Right-of-Way Greater Than or Equal to the Minimum Right-of-Way Width.

a. When an existing nonarterial street right-of-way is greater than or equal to the minimum right-of-way width established in subsection ((A6)) A5, a paved roadway with a concrete curb and sidewalk, drainage facilities, and any landscaping required by the zone in which the lot is located shall be provided, according to the Street Improvement Manual.

b. Fire Access. If the lot does not have vehicular access from a street or private easement which meets the regulations for fire access roads in Chapter 10 of the Seattle Fire Code,¹ such access shall be provided. When an existing street does not meet these regulations, the Chief of the Fire Department may approve an alternative which provides

adequate emergency vehicle access.

c. Dead-end Streets. Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turn around in accordance with the Street Improvement Manual. The Director, in consultation with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

2. Nonarterial Streets With Less Than the Minimum Right-of-Way Width.

a. Dedication Requirement. When an existing non arterial street has less than the minimum right-of-way width established in subsection ((A6)) A5 of this section, dedication of additional right-of-way equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection ((A6)) A5 of this section shall be required; provided, however, that if right-of-way has been dedicated since 1982, other lots on the block shall not be required to dedicate more than that amount of right-of-way.

b. Improvement Requirement. A paved roadway with a concrete curb and sidewalk, drainage facilities and any landscaping required by the zone in which the lot is located shall be provided in the portion of the street right-of-way abutting the lot, according to the Street Improvement Manual.

c. Fire Access. If the lot does not have vehicular access from a street or private easement which meets the regulations for fire access roads in Chapter 10 of the Seattle Fire Code,¹ such access shall be provided. When an existing street does not meet these regulations, the Chief of the Fire Department may approve an alternative which provides adequate emergency vehicle access.

d. Dead-end Streets. Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turn around in accordance with the Street Improvement Manual. The Director, in consultation with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

D. Exceptions.

1. Streets With Existing Curbs.

a. Streets With Right-of-Way Greater Than or Equal to the Minimum Width. When a street with existing curbs abuts a lot and the existing right-of-way is greater than or equal to the minimum width established in subsection ((A6)) A5 of this section, but the roadway width is less than the minimum established in the Street Improvement Manual, the following requirements shall be met:

(1) Streets for which either a Street Master Plan, contained in an adopted Director's Rule, or a Greenstreet Plan adopted by the City Council apply, shall be improved consistent with design guidelines and standards contained in those plans.

(2) All structures on the lot shall be designed to accommodate the grade of the future street improvements.

(2) (3) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

(3) (4) If there is no sidewalk, a sidewalk shall be constructed in the portion of the right-of-way abutting the lot, except when the following types of projects are proposed:

i. Remodeling and use changes within existing structures; and

ii. Additions to existing structures which are exempt from environmental review.

b. Streets With Less than the Minimum Right-of-Way Width. When a street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width established in subsection A5 of this section, the following requirements shall be met:

(1) Setback Requirement. A setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection ((A6)) A5 of this section shall be required; provided, however, that if a

setback has been provided under this provision, other lots on the block shall provide the same setback. In all residential zones except Highrise zones, an additional three (3) foot setback shall also be required. The area of the setback may be used to meet any development standards, except that required parking may not be located in the setback. Underground structures which would not prevent the future widening and improvement of the right-of-way may be permitted in the required setback by the Director of Construction and Land Use after consulting with the Director of Transportation.

(2) Grading Requirement. When a setback is required, all structures on the lot shall be designed to accommodate the grade of the future street according to the Street Improvement Manual.

(3) No-protest Agreement Requirement. A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

2. Projects With Reduced Improvement Requirements.

a. One (1) or Two (2) Dwelling Units. When one (1) or two (2) dwelling units are proposed to be constructed, or one (1) or two (2) Single Family zoned lots are proposed to be created, the following requirements shall be met:

(1) If there is no existing hard-surfaced roadway, a crushed-rock roadway at least sixteen (16) feet in width shall be required, according to the Street Improvement Manual.

(2) All structures on the lot(s) shall be designed to accommodate the grade of the future street improvements.

(3) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

b. Other Projects With Reduced Requirements. The types of projects listed in this subsection D2b are exempt from right-of-way dedication requirements and are subject to the street improvement requirements of this subsection:

(1) Types of Projects.

- i. Proposed developments which contain fewer than ten (10) units in SF, LDT and L1 zones, and six (6) residential units in all other zones;
- ii. The following uses when they are smaller than seven hundred fifty (750) square feet of gross floor area: fast-food restaurants, major and minor vehicle repair uses, and multipurpose convenience stores;
- iii. Nonresidential structures which have less than four thousand (4,000) square feet of gross floor area and which do not contain uses listed in subsection D2b(1)ii which are larger than seven hundred fifty (750) square feet;
- iv. Structures containing a mix of residential and nonresidential uses, if there are fewer than ten (10) units in SF, LDT and L1 zones, or fewer than six (6) residential units in all other zones, and the square footage of nonresidential use is less than specified in subsections D2b(1)ii and D2b(1)iii;
- v. Remodeling and use changes within existing structures;
- vi. Additions to existing structures which are exempt from environmental review; and
- vii. Expansions of a surface parking area or open storage area of less than twenty (20) percent of parking area or storage area or number of parking spaces.

(2) Paving Requirement. For the types of projects listed in subsection D2b(1), the streets abutting the lot shall have a hard-surfaced roadway at least eighteen (18) feet wide. If there is not an eighteen (18) foot wide hard-surfaced roadway, the roadway shall be paved to a width of at least twenty (20) feet from the lot to the nearest hard-surfaced street meeting this requirement, or one hundred (100) feet, whichever is less. Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance with the Street Improvement Manual. The Director, after consulting with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the

1 layout of the street system.

2 (3) Other Requirements. The setback, grading and no-protest
3 agreement requirements of subsection D1b shall also be met.

4 3. Exceptions from Required Street Improvements. The Director may waive
5 or modify the requirements for paving and drainage, dedication, setbacks, grading, no-protest
6 agreements, landscaping and curb and sidewalk installation when it is determined that one (1) or
7 more of the following conditions are met:

8 a. Location in an environmentally critical area, disruption of existing
9 drainage patterns, or removal of natural features such as significant trees makes widening and/or
10 improving the right-of-way impractical or undesirable.

11 b. The existence of a bridge, viaduct or structure such as a
12 substantial retaining wall makes widening the right-of-way impractical or undesirable.

13 c. Widening the right-of-way and/or improving the street would
14 adversely affect the character of the street, as it is defined in an adopted neighborhood plan or
15 adopted City plan for green street, boulevards, or other special rights-of-way, or Street Master
16 Plans adopted by Director's Rule, or would otherwise conflict with the stated goals of such a
17 plan.

18 d. Widening and/or improving the right-of-way would eliminate
19 street access to an existing lot.

20 e. Widening and/or improving the right-of-way would make building
21 on a lot infeasible by reducing it to dimensions where development standards cannot reasonably
22 be met.

23 f. One (1) or more substantial principal structures on the same side
24 of the block as the proposed project are located in the area needed for future expansion of the
25 right-of-way and the structure(s)' condition and size make future widening of the remainder of
26 the right-of-way unlikely.

27 g. Widening and/or improving the right-of-way is impractical
28 because topography would preclude the use of the street for vehicular access to the lot, for
29 example due to an inability to meet the required twenty (20) percent maximum driveway slope.

h. Widening and/or improving the right-of-way is not necessary because it is adequate for current and potential pedestrian and vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the street is at zoned capacity.

Section 2. Severability. The several provisions of this Ordinance are hereby declared to be separate and severable and the invalidity of any clause, sentence, paragraph, sub-division, section or portion of this ordinance or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this Ordinance or the validity of its application to other persons or circumstances.

Section 3. Any act consistent with the authority and before the effective date of this ordinance is hereby ratified and confirmed.

Section 4. This Ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2000, and signed by me in open session in authentication of its passage this ____ day of _____, 2000.

President Pageler of the City Council

Approved by me this ____ day of _____, 2000.

Paul Schell, Mayor

Filed by me this ____ day of _____, 2000.

City Clerk

(SEAL)